

APPROVED 09/21/2006

At 6:03 PM the Board's meeting was called to order in the Land Use meeting room. Present were Selectmen Gene Cordes, Peter Bolduc and Donald W Gates Jr; and Jeanne Nygren. The minutes were recorded by Selectmen's Clerk Jeanne Nygren.

Also present for taping and recording of the meeting were Keith Stanton and Linda Stanton. At 6:15 pm Brande MacLean and her husband Peter Bearse came into the meeting.

Cordes briefly went over the agenda and copies were handed to those present.

OLD BUSINESS

The community build project to erect the playground equipment at Memorial Fields is progressing quite well. The poles have been cemented. The finish work including the remainder of the sand and wood chips are still to be completed.

A motion to accept the minutes of the September 7, 2006 meeting as written was made by Bolduc, seconded by Cordes. With no further discussion the vote was approved 2-0. Gates was not present for the meeting and abstained from the vote.

NEW BUSINESS

The accounts payable manifest was reviewed for \$18,517.77 and motion for approval was made by Gates, seconded by Bolduc. With no further discussion all were in favor 3-0.

The Arboviral Plan package was reviewed by the Selectmen with the corrections that were suggested being made. The plan has to be in place by the town in order to qualify for state reimbursement funding, and has been reviewed by the Health Officer and was provided to the Rescue Squad and Emergency Management Department Heads. The plan also contains public outreach, education and surveillance information that is already being performed by the Town. The next step to be done by the Town is the paperwork for the grant to get the application completed and recover some money that has already been spent on mosquito surveillance and control.

The Selectmen started to review the mail folder. It included a report from the State of NH Department of Health & Human Services dated September 13, 2006 indicating Londonderry identified a positive EEE mosquito pool.

There was a letter to Board of Selectmen from the Planning Board regarding Chester Bearce and bonds totaling \$8,500.00. The Planning Board recommended that the bonds not be released until the Black Rocks Village Project is completed. Bolduc explained that Chester Bearce who owned former gravel operation sold the property and continues to have bond on property he doesn't own. The new owner has approved site plan for 112 units of housing and it does not include the gravel operation. Mr. Bearce feels bond should be release to him. The Planning Board did a site walk to look for indications that restoration has been completed and it has not. There is a lot of acreage that is unrestored. The Planning Board recommends that the bond not be released. If new owner wants to post bond, the Town will be protected and Mr Bearce's money could be released. The Town needs to correspond back to Bearce conveying that this has been discussed with the Board of Selectmen and Planning Board and until the site is restored, or another bond is in place from the new owner for restoration, that the Bearce bond needs to remain in place.

SIGNATURES

A Public Service of New Hampshire pole license petition has been presented for signature by the Selectmen. The only recommendation was to annote that the description was continued onto page two of the document at the bottom of page one. Cordes motioned to sign this license, Bolduc seconded, all were in favor 3-0.

Ferwerda Development Co LLC has submitted the original letters guaranteeing letters of credit will be in place as per the dates of expiration. Mr Ferwerda also dropped off a check for \$3,000 to make up the difference between the bank's LOC renewal and the 2006 gravel restoration estimate. This will be deposited into the town account so cash escrow and the irrevocable letter of credit would be in place for the total required of \$93,000.

The Selectmen reviewed correspondence written to Carl Hussey regarding renewal of contract of trash removal and some problems with recycling. The letter regarding this renewal was signed by all Selectmen and will be mailed out to Hussey. A motion to sign was made by Cordes, seconded by Bolduc, all in favor 3-0.

The Selectmen reviewed a draft correspondence to Seacoast United Soccer Club regarding issues with trash, noise and parking and there were a couple of changes that needed to be made to the letter. It will be redone for signature next meeting. Cordes went over issues with the parking, including that no parking on one side of the street had been designated and posted by the Town.

An excavation tax warrant for a total of \$1,260.68 was presented for signatures by the Selectmen. A motion was made by Cordes to approve the warrant and sign it, along with the DRA certification form. A motion to approve was made by Bolduc, Gates by seconded, all were in favor 3-0.

At 6:25 Neal Janvrin came in and was addressed at 6:45 PM. Janvrin wanted to notify the board that he would be loosing another part-time patrolman to a full-time job in Kingston; Dan Mercurio. He can still work part time for Fremont. He states that Ross Desmet should be stateside and back around Thanksgiving. With the shortage is something we need to look at and maybe considering another full time officer because of the cost of training and equipment being lost.

A question from Mr Peter Bearse present at the meeting was asked, "Does the Arboviral plan call for spraying?" Cordes answered his question that there is a sequence of steps for public education, data collection, larvae siting to kill larvae before becoming adults, and suggested criteria for killing adults. It describes the levels of risk. Mr Bearse's concern was the positive EEE mosquito pool was detected on Andreski Drive where he resides.

A letter was read from the Planning Board that Shawn Senter on Map 3-169.59.18 requested 180 day extension on his subdivision approval. This was approved by the Planning Board with a new date of February 28, 2007.

At 6:50 pm, with all the required signatures and correspondence being complete a motion was made by Cordes to recess until 7:20 pm. Seconded by Gates, and voted all in favor 3-0.

The meeting returned to session by Cordes again at 7:20 pm.

Chief Heselton stated he may not be able to do his hours one day next week because he was asked to sit on an oral selection board but the office will have coverage by Betty Stanley.

The question of whether to move the September 28th meeting to another night was discussed and options were reviewed. No final decision was made on changing this meeting yet.

Gates remarked that the fire department budget looks good to Chief Heselton. Heselton stated that the increases were due to the pooling of the two departments together.

At 7:30 PM the meeting with the Grassdrag representatives was convened. Present were NHA representatives Jeff Filleul and Roland Lebreque; Landowner Phil Peterson. Cordes thanks everyone for taking the time and coming.

The purpose of the meeting is to sort out issues and make a successful event with public help and safety. Cordes asked if there were any concerns by anyone present.

Filleul stated that things are running status quo for the most part. The Sled Necks will not be coming this year. Most of the aerial people are out because of injuries. There is a possibility of man from Yamaha, and are adding ATV racing by Rock Maple Racing. Coming on board to take over what is being lost by Sled Necks. They are from NH. There are promotions all around for them. Water cross is still there.

There will be the same entrances and parking areas as in the past. Janvrin had one concern for Thursday nights because of the past couple of years vendors had thefts. After talking with vendors and organizers they will have two officers present from 11:00 PM to 7:00 AM. No one can stay or sleep in pits overnight. No vendors can stay in pits. The Police really had no objection because they are watching their own stuff but when gates are closed no one can go through.

Heselton requested a copy of insurance sent to the Town; as has been necessary every year of the events. The ATV racing people have their ISR number and all run under their affiliate of the organization. Heselton noted that the department's vision is cut down because of the flea market. He would like to be able to have visual available from the top of the hill and also to have the people stop crossing the drag strip rather than the long way around. There is usually someone stationed there to avoid this problem. Heselton will make sure this is taken care of.

Can they organization provide a cart to put extinguishers on, either a gator or mule 6 wheel cart asked Heselton. The organizers will come up with one.

Heselton wanted to try to alleviate the climbing on the bank by the hayshed at the end of the tract by kids and also he requested another laminated map as the one they have is outdated. There will be new ones put up by the association.

Janvrin asked if they want the police in the same spot as last year and handle tickets the same way also.

Filleul stated that they are going to organize the camp ground better this year from last year. Their tents were trashed last year so no tents are available this year. Peterson was asked to do the starting of the race this year. He has a problem with this because his vehicles needs repairs and the organization will take care of this for him. The dates for the event are October 6th, 7th and 8th. The organization will be setting up the weekend before.

The Grassdrag session closed at approximately 7:50 pm.

Cordes recapped what has been discussed in the recent past related to Seacoast Farms, to refresh the Board before Mr Kelly's arrival.

Bob Kelly is coming in because of concerns about proximity to wetlands, odor, times of operation and beaver problems and vehicles. These problems can be managed as other places doing the same operation don't seem to have these problems. Cordes recollection is we got to a point where a meeting with DES, Dept of Agriculture at their site during business hours so they could see what the issues were and advise on how to address these issues. A conversation with Kelly at our office reflected that he seemed concerned about why he was feeling a lot of tension and he wanted to come in and discuss with the Selectmen.

At 8:00 PM Bob Kelly came into meeting and opened by indicating he had received a copy of email sent to Heidi Carlson and he felt he should respond to this email (regarding issues at his site). Second, in coming in and talking to Carlson she indicated she hadn't heard much from him, and previously they met every quarter to keep everyone on the same page. Kelly wants to make sure they are all on the same page and needed to know what the Town thought and what people may be saying and what he should be doing.

Cordes stated that the site has been approved since 1999 and as a Board member, felt there have been dozens of meetings with a good line of communication to the Selectmen. Together they have worked through quite a few issues but never really mastered any of them and have not met the community expectations. The issue on locating where wetlands was one of the biggest problems and also the numerous odor complaints. Cordes doesn't want the Town to have to tolerate this any more. Maybe there have been dramatic improvements but we are looking for 100%. The people in the Town expect this and they feels we are not working together to attain the same goal.

Because communications seem to be only done through attorneys (both sides included in this) they both feel meetings should continue to take place.

Kelly remarked that in the last year things have improved. He can debate the individual items but his operation has been changed significantly after working with Thom Roy, the Building Inspector to resolve these issues.

Cordes again remarked that the odor issue has become major concern that community thinks they are being let down by the Town.

Kelly reported that he has changed his operation in such a way that he is not taking in raw materials, to help to eliminate odor. Kelly is working within 0 tolerances by changing the materials being brought in. They have been bringing in partial or fully composted materials for the past year. Horse manure being brought in and they covers everything as a filter with shavings. Also their turning approach has been changed. Kelly interest is in staying here in Fremont and working with the Town and still run a business. Kelly is working on the wetland issues also.

Richard Uncles from the Department of Agriculture went to the site with Thom Roy and wrote a letter to Doug Kemp giving his opinions. Kelly has met with both of them to go over outstanding issues. A one year trial period was given for him to achieve all the things. Kelly is doing all the things told to do but documentation by the Department of Agriculture has not been completed yet. Drainage pad for site drainage has been improved to avoid the ponding that takes place. This makes trucks and equipment easier to go onto site.

The wetland issue is not causing any impact to anything by what they are doing out there. The Rockingham County Conservation District, Mary Currier, and Dick Bond has criteria for better zone management. Part of confusion a couple of areas of buffer zone drainage i.e. didn't mow down vegetation. Their plan was to manage the periphery better so it is a buffer zone so wetlands don't encroach on the site.

The Galloway earth excavation plan has been used to obtain wetlands for the site to date. There has been no time where the actual wetlands have been delineated then and marked on a plan. The criteria has changes since this being done. Kelly has aerial photographs showing the wetlands and the changes they are trying to workout the delineation.

Their operation has not been expanded which was agreed to in 1999. Roy suggested to Kelly that he put a physical boundary and tape out the area.

Cordes stated that the 1999 data has never been marked on a survey plan.

Kelly doesn't want to be difficult but doesn't want to loose 2 acres either. The truck drivers on a daily basis are reminded by him about speed also posted signs to minimize use of jake brake in neighborhood. He is working with the people to reinforce the issues. Kelly feels that all is pretty good.

Cordes wanted a meeting on site to look at the changes and to have DES, Mary Currier, Thom Roy and the Selectmen present and try to do within the next 4 to 6 weeks. Doug Kemp might need to do another site visit also. Try to set up something on a Tuesday or Wednesday late on the workday around 4 or 4:30.

Kelly also volunteered to come in on a quarterly basis. He feels that he is working with Town.

Cordes knew Kelly was working with drivers and appreciates the effort because it is so important to the operation and he thanked Kelly for his efforts.

Kelly feels that if only one hour there is a problem with odor when turning is done and then dissipates isn't a nuisance. His solution has been not as much to compost and bring it in a different form and cover.

Mr Kelly left the meeting at 8:40 pm.

At 8:40 pm a motion to go into non-public session pursuant to NH RSA 91-A 3 II (e) to discuss a pending legal issue; was made by Gates and seconded Bolduc. The vote was unanimously in favor, 3-0.

At this time, the Stanton's and Nygren left the meeting room.

A motion to return to public session was made by Gates, seconded Bolduc at 8:52 pm. All in favor 3-0. No decisions were made.

With everything being discussed on the agenda a motion was made to adjourn the meeting at 8:55 pm by Bolduc and seconded by Gates. All in favor 3-0.

The next Board of Selectmen meeting will be held on Thursday, September 21, 2006 at 6:00 pm.

Respectfully submitted,

Jeanne Nygren
Selectmen's Clerk